

96-374, title IX, §902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980, and also by Pub. L. 96-470, title I, §106(b), Oct. 19, 1980, 94 Stat. 2238.

Section 1134r-3, Pub. L. 89-329, title IX, §954, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 774, related to fellowship agreements.

Section 1134r-4, Pub. L. 89-329, title IX, §955, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 774, related to fellowship repayment provisions.

Section 1134r-5, Pub. L. 89-329, title IX, §956, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 774, related to exceptions to repayment provisions.

Section 1134r-6, Pub. L. 89-329, title IX, §957, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 775, authorized appropriations for faculty development fellowship program.

Section 1134s, Pub. L. 89-329, title IX, §961, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1558; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 775, authorized program for assistance for training in legal profession.

Another prior section 1134s, Pub. L. 89-329, title IX, §981, as added Pub. L. 92-318, title X, §1001(b), June 23, 1972, 86 Stat. 380, related to a program of general assistance to graduate schools, prior to repeal by Pub. L. 96-374, title IX, §902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980. Subsequent to repeal, subsec. (f) of that section was repealed by Pub. L. 96-470, title I, §106(c), Oct. 19, 1980, 94 Stat. 2238.

Section 1134t, Pub. L. 89-329, title IX, §962, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1559; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 776, authorized appropriations for program for assistance for training in legal profession.

Section 1134u, Pub. L. 89-329, title IX, §971, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1560; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 776, authorized grants and contracts for programs to provide law school clinical experience programs.

Section 1134v, Pub. L. 89-329, title IX, §972, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 777, related to applications for grants or contracts.

Section 1134w, Pub. L. 89-329, title IX, §973, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 777, authorized appropriations for law school clinical experience programs.

#### AMENDMENTS

2008—Pub. L. 110-315 substituted “fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart” for “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart”.

#### SUBPART 2—GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED

### § 1135. Grants to academic departments and programs of institutions

#### (a) Grant authority

##### (1) In general

The Secretary shall make grants to academic departments, programs and other academic units of institutions of higher education that provide courses of study leading to a graduate degree, including a master's or doctoral degree, in order to enable such institutions to provide assistance to graduate students in accordance with this subpart.

##### (2) Additional grants

The Secretary may also make grants to such departments, programs and other academic units of institutions of higher education granting graduate degrees which submit joint

proposals involving nondegree granting institutions which have formal arrangements for the support of doctoral dissertation research with degree-granting institutions. Nondegree granting institutions eligible for awards as part of such joint proposals include any organization which—

(A) is described in section 501(c)(3) of title 26, and is exempt from tax under section 501(a) of such title;

(B) is organized and operated substantially to conduct scientific and cultural research and graduate training programs;

(C) is not a private foundation;

(D) has academic personnel for instruction and counseling who meet the standards of the institution of higher education in which the students are enrolled; and

(E) has necessary research resources not otherwise readily available in such institutions to such students.

#### (b) Award and duration of grants

##### (1) Awards

The principal criterion for the award of grants shall be the relative quality of the graduate programs presented in competing applications. Consistent with an allocation of awards based on quality of competing applications, the Secretary shall, in awarding such grants, promote an equitable geographic distribution among eligible public and private institutions of higher education.

##### (2) Duration and amount

###### (A) Duration

The Secretary shall award a grant under this subpart for a period of 3 years.

###### (B) Amount

The Secretary shall award a grant to an academic department, program or unit of an institution of higher education under this subpart for a fiscal year in an amount that is not less than \$100,000 and not greater than \$750,000.

##### (3) Reallocation

Whenever the Secretary determines that an academic department, program or unit of an institution of higher education is unable to use all of the amounts available to the department, program or unit under this subpart, the Secretary shall, on such dates during each fiscal year as the Secretary may fix, reallocate the amounts not needed to academic departments, programs and units of institutions which can use the grants authorized by this subpart.

#### (c) Preference to continuing grant recipients

##### (1) In general

The Secretary shall make new grant awards under this subpart only to the extent that each previous grant recipient under this subpart has received continued funding in accordance with subsection (b)(2)(A).

##### (2) Ratable reduction

To the extent that appropriations under this subpart are insufficient to comply with paragraph (1), available funds shall be distributed by ratably reducing the amounts required to be awarded under subsection (b)(2)(A).

(Pub. L. 89–329, title VII, §711, as added Pub. L. 105–244, title VII, §701, Oct. 7, 1998, 112 Stat. 1790; amended Pub. L. 110–315, title VII, §703(e)(1), Aug. 14, 2008, 122 Stat. 3347.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134m of this title, prior to repeal by Pub. L. 105–244.

A prior section 1135, Pub. L. 89–329, title X, §1001, as added Pub. L. 96–374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1489; amended Pub. L. 102–325, title X, §1001, July 23, 1992, 106 Stat. 778, related to Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105–244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138 of this title.

Another prior section 1135, Pub. L. 89–329, title X, §1001, as added Pub. L. 92–318, title I, §186(a)(1), June 23, 1972, 86 Stat. 312; amended Pub. L. 93–380, title VIII, §837, Aug. 21, 1974, 88 Stat. 606; Pub. L. 94–482, title I, §176(a)(3)–(5), title V, §501(a)(20), Oct. 12, 1976, 90 Stat. 2165, 2236; Pub. L. 95–180, §1(c), Nov. 15, 1977, 91 Stat. 1372; Pub. L. 96–49, §53(a), Aug. 13, 1979, 93 Stat. 354, related to development plans for expansion or improvement of postsecondary education programs in community colleges, prior to repeal by section 1001(a) of Pub. L. 96–374.

Another prior section 1135, Pub. L. 89–329, title X, §1001, as added Pub. L. 90–575, title II, §271, Oct. 16, 1968, 82 Stat. 1047, contained Congressional statement of purpose respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92–318.

A prior section 711 of Pub. L. 89–329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 105–244.

Another prior section 711 of Pub. L. 89–329 was classified to section 1132b of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102–325.

Another prior section 711 of Pub. L. 89–329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 99–498.

##### AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–315 inserted “, including a master’s or doctoral degree,” after “leading to a graduate degree”.

### § 1135a. Institutional eligibility

#### (a) Eligibility criteria

Any academic department, program or unit of an institution of higher education that offers a program of postbaccalaureate study leading to a graduate degree, including a master’s or doctoral degree, in an area of national need (as designated under subsection (b)) may apply for a grant under this subpart. No department, program or unit shall be eligible for a grant unless the program of postbaccalaureate study has been in existence for at least 4 years at the time of application for assistance under this subpart.

#### (b) Designation of areas of national need

After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

(1) the extent to which the interest in the area is compelling;

(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

(3) an assessment of how the program may achieve the most significant impact with available resources; and

(4) an assessment of current (as of the time of the designation) and future professional workforce needs of the United States.

(Pub. L. 89–329, title VII, §712, as added Pub. L. 105–244, title VII, §701, Oct. 7, 1998, 112 Stat. 1791; amended Pub. L. 110–315, title VII, §703(a), (e)(2), Aug. 14, 2008, 122 Stat. 3346, 3347.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134n of this title, prior to repeal by Pub. L. 105–244.

A prior section 1135a, Pub. L. 89–329, title X, §1002, as added Pub. L. 96–374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1489; amended Pub. L. 102–325, title X, §1001, July 23, 1992, 106 Stat. 778, related to National Board of the Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105–244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138a of this title.

Another prior section 1135a, Pub. L. 89–329, title X, §1011, as added Pub. L. 92–318, title I, §186(a)(1), June 23, 1972, 86 Stat. 313; amended Pub. L. 94–482, title I, §176(b)(2), Oct. 12, 1976, 90 Stat. 2165; Pub. L. 96–49, §53(b), Aug. 13, 1979, 93 Stat. 354, authorized appropriations for a program of establishment and expansion of community colleges, prior to repeal by section 1001(a) of Pub. L. 96–374.

Another prior section 1135a, Pub. L. 89–329, title X, §1002, as added Pub. L. 90–575, title II, §271, Oct. 16, 1968, 82 Stat. 1047, authorized appropriations, provided for types of programs, and prescribed limitations respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92–318.

A prior section 712 of Pub. L. 89–329 was classified to section 1132b–1 of this title, prior to the general amendment of this subchapter by Pub. L. 105–244.

Another prior section 712 of Pub. L. 89–329 was classified to section 1132b–1 of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102–325.

Another prior section 712 of Pub. L. 89–329 was classified to section 1132b–1 of this title, prior to the general amendment of this subchapter by Pub. L. 99–498.

A prior section 1135a–1, Pub. L. 89–329, title X, §1003, as added Pub. L. 96–374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 99–498, title X, §1001(a), Oct. 17, 1986, 100 Stat. 1560; Pub. L. 102–325, title X, §1001, July 23, 1992, 106 Stat. 779, contained administrative provisions, prior to repeal by Pub. L. 105–244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138b of this title.

Another prior section 1135a–1, Pub. L. 89–329, title X, §1012, as added Pub. L. 92–318, title I, §186(a)(1), June 23, 1972, 86 Stat. 313; amended Pub. L. 94–482, title I, §176(b)(3), Oct. 12, 1976, 90 Stat. 2165; Pub. L. 95–180, §1(c), Nov. 15, 1977, 91 Stat. 1372, related to the apportionment of funds in the program of establishing and expanding community colleges, prior to repeal by section 1001(a) of Pub. L. 96–374.

A prior section 1135a–2, Pub. L. 89–329, title X, §1004, as added Pub. L. 96–374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 102–325, title X, §1001, July 23, 1992, 106 Stat. 779; Pub. L. 103–208, §2(j)(42), Dec. 20, 1993, 107 Stat. 2484, authorized appropriations for the Fund for the Improvement of Postsecondary Education,